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Seventh Avenue - 32nd to 33rd Streets - New York 1, N. Y.

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obviously ill at ease, he suggested that the Negroes in Birmingham select one from their ranks to be built up in the image of Martin Luther King, who could go out and persuade men in history to come into the city. He had no answer to the question of how this one-man Chamber of Commerce could lure companies in on a guarantee of interest and kind of Negroes of the skills and of the collar positions.

After he left, I was wondering what to do. I had a feeling that I was in a trap and he was not. I was with his personal, however, he was not. I was in a trap. For he was to leave for a representative of the Birmingham Chamber of Commerce who could work with them in improving the image of the city. He concluded that although he was not setting an individual, he was sent by the power structure which he was to keep Negro leaders in divided. Effectively, Foster and Shores are under fire for their recent statement criticizing King for advocating non-violence and advising a "wait and see policy." This is just not the need of the brother.

While the Alabama Democratic Conference was in town, its meetings, GWW and I was in the secret closed sessions on how strategy. Before I left, the word had leaked out that they are ready to go on signal - this includes being down on airplane highways and taking up the question. I met young W. Henderson from the Justice Department who said non-violence were imminent. The Democratic Conference adopted resolutions appealing again for President Kennedy to come to Birmingham - this as a result of Telford's speech Saturday night.

The encounter in things: Lerda Wilson who spoke on Sunday had a meeting with the acting president of the city council. He said that voting is the answer to the present reign of terror - that even the slight increase of registered Negroes would have effect. Howell and others are working hard against terrible odds on this. However there has been a mounted drive by the Daughters of the Confederacy and other groups to arouse the white community to register in increasing numbers. One evening, there was such a long line that the registrars kept the place open five hours longer to take care of the influx.

Sunday afternoon, Mrs. Peter Hall called a meeting of a newly-formed interracial group and the response was immediate. There were at least a dozen present, some brought along children. They are eager to establish some workable lines of communication between the races. These are mostly young people. I left them working out a plan of action.

net

HILTON HOTELS LOCATED IN PRINCIPAL CITIES AROUND THE WORLD

DEMOCRATIC NATIONAL COMMITTEE
1730 K STREET, N.W.
WASHINGTON 6, D. C.

6-11
Birmingham
Democrat

LOUIS MARTIN
DEPUTY CHAIRMAN

TELEPHONE
FEDERAL 3-6750

October 8, 1963

MEMORANDUM FOR MR. BURKE MARSHALL

State Senator, Verda Welcome of Maryland, attended the workshop of the Alabama Democratic Conference in Birmingham over the weekend. She reports a situation in Birmingham and Selma which is unbelievable.

Ethel Payne of our staff who also participated in the registration workshops in Birmingham has written a letter which is attached. I know you have plenty of information in your department on the state of affairs in Birmingham and Selma but I thought I would pass it along.

I do not know what the department can do officially in this Alabama mess, but apparently some action to prevent mass bloodshed will have to be taken soon.

Can't we send the troops?

Louis Martin

John Doe
For your info.
&

Send to Mr. Murphy

May 31, 1963

John Doar
First Assistant
Civil Rights Division

Gerald W. Jones

**Complaints of Police Brutality
and Other Mistreatment in
Birmingham, Alabama.**

During the period of May 18 to May 28, 1963, Thelton Henderson and I were in Birmingham for the purpose, inter alia, of looking into matters of alleged brutality and other mistreatment by police officers in that City.

We considered approximately 60 complaints. Of that number, approximately half were found to be completely lacking in prosecutive merit, most for the reason that the offending officers could not be identified by the victim and some because no violation seemed involved. Approximately 10 cases were found to hold some promise for prosecution. Of that 10, 7 have been referred to the FBI for further investigation. The other 3 are being studied further by us. The remaining complaints are either under investigation by the FBI or have been investigated by the Bureau but the reports have not been received by the Department.

During our stay in Birmingham we interviewed approximately 32 persons. Few could identify the officer or officers who assaulted or otherwise mistreated them. In fact a large portion of the complainants could not say definitely whether the officers were City officers, state patrol officers or deputy sheriffs. One thing, however, was very apparent from the interviews and from our observations. Many of the

Capt. L. Murphy
5/30/63

- 2 -

Negro population in Birmingham, particularly the Pratt City and Ensley areas, have been and are being harassed and intimidated by police officers. Although when we left Birmingham we were still getting reports of incidents of such harassment, the situation seemed to be improving and, no doubt, with the new administration in Birmingham, the situation should improve considerably more.

Note: All of the figures in this report are approximated because Thelton has some of our personal files on the cases. He is in Jackson and I could not locate them prior to this report.

UNITED STATES GOVERNMENT

Memorandum

Birmingham
DEPARTMENT OF JUSTICE

TO : John Doar
First Assistant
Civil Rights Division

DATE: May 14, 1963

FROM : William Holloran
Executive Assistant

WH:stj

SUBJECT: Bombings in Birmingham and
Elsewhere

The Division's limited jurisdiction as to bombing incidents is set out in 18 U.S.C. 837 and 1074, enacted as Title 2 of the 1960 Civil Rights Act. In March 1961 the Director testified before Rooney's Subcommittee that since the passage of this legislation there had been a total of 202 bombings and attempted bombings brought to the Bureau's attention. Efforts to obtain information from the Bureau today resulted in our being supplied with the unofficial count of five bombings in 1962, and two in 1963 in the City of Birmingham which had a racial or religious aspect.

This Division has directed investigations or followed developments in five bombing incidents. The only one occurring in Birmingham was the bombing of the Bethel Baptist Church on December 14, 1962. Martin Luther King and Rev. Shuttlesworth were among the complainants. The latest development in this pending matter was our request of April 25 that the FBI ascertain what action, if any, is contemplated by the local authorities (D.J. 144-1-673). The other four matters involve bombings in Shreveport, Little Rock, Chattanooga and Los Angeles.

Charuhas obtained information from a reliable source who does not wish to be identified that 18 unsolved bombings have occurred in Birmingham from 1957 through March 1963.

No further particulars of this unofficial count were supplied.

Burke Marshall
Assistant Attorney General
Civil Rights Division

May 14, 1963

Henry Putzel, Jr., Chief
Voting & Elections Section
Civil Rights Division

HP:bab

144-012
144-1-0

Birmingham Racial Bombings

On May 12, 1962, I received a telephone call from Mr. C. J. S. Durham ^{1/} who had shortly before received a telephone call from George Lightfoot Singleton. Mr. Singleton, now at OCS at San Antonio, Texas, from where he called Mr. Durham, is a graduate of the University of Alabama and at one time did some work for Birmingham's Mayor-elect Boutwell. ^{2/}

Though Mr. Singleton had no definite information concerning the recent Birmingham bombings, he mentioned as logical suspects: (1) JACK CASH, who runs a barbecue place and used car lot in Birmingham, is a key figure in the KKK, and is close to "Bull" Connor; and (2) BOBBIE SHELTON, of Tuscaloosa, Grand Dragon of the KKK in Alabama.

I am sure that the FBI is pursuing all logical leads, and since Mr. Singleton was only conjecturing when he mentioned Cash and Shelton as possible suspects for the bombings I am not sure that the information has value. But I am forwarding this information to you in accordance with Mr. Durham's request that I do so.

^{1/} Mr. Durham has long been interested in Civil Rights matters. He was Assistant to the Executive Secretary of President Truman's Civil Rights Commission.

^{2/} On October 31, 1962, I sent you a memorandum with background information which Mr. Singleton had supplied in anticipation of problems arising from the desegregation of the University of Alabama.

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Dear
St. & Elec.

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5/10/63

*File -
S.E. Parnell Co., Ala*

Mr. Hubbard left the following message:

Re: Birmingham - from FBI

Chief of Police Jamie Moore has made a request for an investigation into beating of Dick Gregory to United States Attorney.

Also, FBI reports that Martin Luther King has just issued a press release claiming a good victory. King said reached complete agreement on the issues they were meeting over.

The City Attorney in Birmingham, according to the Chief of Police, is attempting to bring civil suit against the Negro leaders of the recent demonstrations seeking \$60,000 damages. For damage they claim the city sustained it in connection with the students leaving school to demonstrate. Chief Moore is disturbed about it and thinks that the suit may upset the apple cart and bring on more demonstrations.

Apparently 790 Negroes who were arrested were released on bond put up by Reliable Bonding Company according to the Bureau. The Company is a Negro bonding company. It entered bonds totaling \$237,000.

The Bureau reported that they have located a man in Washington who sent a telegram to the sheriff in Birmingham saying that 3,000 people up this way were going to march on Birmingham. This fellow claims he was drinking at the time and did not mean it. The Bureau is presenting the facts to the U.S. Attorney in Washington because of possible extortion angle.

Verne

5/10/63

*File -
J. Edgar Hoover*

Mr. Hubbard left this message also:

He has been advised that a man named Philip Savage, an NAACP Secretary, (he does not know where) in a release by United Press is quoted as saying that the NAACP or Negroes are planning picketing in 100 cities this coming Saturday in Pennsylvania, Delaware, and New Jersey to protest the Birmingham situation.

In Raleigh North Carolina on May 8, 90 Shaw University students were arrested for picketing restaurants, the S.&W. Cafe and hotels. Sixty were arrested last night including a man named Clyde R. Appleton, professor at Shaw. The Bureau says he is also the subject in a security case. Of the 60 arrested last night, 44 were released.

Jefferson

5:10 p.m.
5/9/63

Mr. Hubbard left the following message re: Birmingham ✓

At about 12:00 the FBI stated that everything is pretty quiet. Last night mass meetings were held at two churches-- Sixth Avenue Baptist with about 2,000 people in attendance and the New Pilgrim Baptist Church with about 1,000 people in attendance.

The Bureau said it had word that the Rev. Shuttlesworth is apparently dissatisfied with the way negotiations are going. He seems to think that King and Abernathy have doublecrossed him. Shuttlesworth is not convinced that the Birmingham business people really mean to end segregation.

Quite a number of Negro school children were released last night in the custody of their parents. The Birmingham police said that at the peak they had 904 demonstrators in jail. Over half were released.

The latest report is that Martin Luther King held a press conference at 4:15 EDT. He announced that he has reached an agreement with the Birmingham people on two points but he did not specify what they were. He stated they were going to resume negotiations after 6:00 p.m. (around 6:30 this evening). Just before the conference he announced there were 1,000 Negroes standing by in the churches (according to King) but that they had been sent home.

In DeKalb County, Alabama where Mr. Moore was killed a local judge had entered an order banning the walkers in that county. He declined to word his order so that it would extend over the state.

There were demonstrations in Nashville, Tenn. today. About 400 persons, mostly Negro high school students, demonstrated before restaurants, drugstores, etc. in the downtown area. No disorder was reported. Also there were demonstrations in Knoxville, Tennessee and one is planned this evening before a downtown theatre. It is anticipated that 300-400 people will be taking part in the demonstration. They will be mostly students from Knoxville College and Knoxville High School.



the system to participating in the
in order to avoid any of the above

Broadcast 3 times

May 8, 1963

BIRMINGHAM

The First Amendment to the Constitution of these United States guarantees "the right of the people peaceably to assemble and to petition the government for a redress of grievances."

But twenty-five hundred Americans have now been jailed in Birmingham, Alabama for trying to exercise that right. More than a thousand of them are children. Against them the police have used fire hoses, clubs and dogs. Their only crime is that they march in protest against racial discrimination.

The President of the United States is sworn to uphold the Constitution—even in Birmingham.

WMCA has a suggestion for either the President or his brother, the Attorney-General. Why doesn't one of them choose one morning simply to walk out at the head of the parade into the park in Birmingham? The racists of Alabama would hardly try to turn police dogs on the President or the Attorney-General of the United States.

(190)

Jefferson County

Alabama

May 8, 1963

TO: John Doar
FROM: Dave Norman
RE: Birmingham

Thelton Henderson called last night after you left and stated the following: (I called you once around 10:00 but your line was busy but I decided this was not an urgent matter.)

The Negroes were going to have a mass meeting at the church last night and apparently they were making plans to reach the truce but they were waiting for a decision from Dr. King. Dr. King was in jail and they up to that point had not been able to see him. Otherwise, things were stable.

I told Thelton to call you at any time if something broke.

18 United States Code 242 is a Federal criminal civil rights statute which provides in effect that no local police officer may deprive a person of any constitutional right. To establish a violation the government must prove beyond a reasonable doubt (a) a specific constitutional right was violated and (b) that the police officer specifically intended to deprive the person of that right.

There may have been constitutional rights violated in some of the arrests in Birmingham, but it is far from clear that all or most of these arrests are in violation of the statute. Granted that citizens are exercising constitutional rights of assembly and free speech, it does not follow that the exercise of these rights cannot be subject to fair rules or regulations by municipal ordinance in various ways; for example, parades may require licenses, under circumstances where large numbers gathered together could create danger, the police may disperse crowds.

Our information is that most of the Negroes arrested in Birmingham have been arrested for parading without a permit, in violation of the local ordinance.

It would be difficult for the government to establish that Alabama officials are willfully depriving persons of

I

their constitutional rights, or that the ordinance is unconstitutional or being enforced in an unconstitutional manner. Even if we could overcome these difficulties, we would still have to establish that at the time of a particular arrest a particular police officer was not acting in good faith reliance on the ordinance involved.

There may have been violations of this statute in particular cases where, for example, unnecessary force has been used. We can and will investigate all such circumstances. But it is clear that these investigations, and the action which would follow establishing the necessary facts, would do little to solve the current situation in Birmingham.

()

We are trying to restore order in Birmingham and at the same time make progress toward the enjoyment of constitutional rights for all citizens. If and when ~~that~~ that has been done we will then carefully consider whether there has been any violations of the federal criminal law. I will say this, you don't shoot from the ~~hmp~~ hip with a federal criminal statute.

O

In order to constitute a violation of the federal criminal civil Rights Statute (18 U.S.C. 242) which provides in effect that no local police officer may deprive any inhabitant of any state of any right preserved or protected by the Constitution, the Government must prove beyond a reasonable doubt (a) a specific constitutional right was violated and (b) that the police officer specifically intended to ~~express~~ deprive the person of that right.

It is not clear that a constitutional right has been violated in every arrest in Birmingham. Citizens have a constitutional right to express themselves and to press for change in a lawful manner. However, under some circumstances to gather in large numbers that could create a dangerous situation, to refuse to disperse upon request by police officers or to parade under ~~such~~ such circumstances without a permit could very well violate a local ordinance designed to maintain law and order.

- 2 -

Furthermore, the Government cannot assume that the officials of the State of Alabama were wilfully depriving persons of their constitutional rights. In Birmingham as the facts have been reported to us there is a local ordinance which prohibits parading without a permit. ~~And the~~ Negro citizens that have been arrested have generally been arrested because they have not obtained a permit to parade. The position of the Birmingham police Department has been that therefore the demonstrations were in violation of the local ordinance. They may be wrong and the ordinance may be unconstitutional but this does not mean ~~x~~ that at the time of the arrests the police officer was not ^{acting in good} ~~making the arrest~~ ~~because of the ordinance, rather than for the purpose of~~ ~~depriving the Negroes of their constitutional right.~~ ^{faith reliance on}

This does not mean that with respect to any particular arrest where ~~unnecessary~~ force was used ^{by the police} ~~that this would not~~

- 3 -

the purpose of summarily punishing the demonstrators there would be to
~~constitute~~ a violation of the federal criminal law. All

instances that come to our attention of unnecessary force
in connection with any particular arrest will be investigated
by the Department of Justice and appropriate action will be
taken.

The situation in Birmingham is a matter of grave concern to me and to all Americans. The Federal Government, through the Attorney General and Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division, are working extremely hard and effectively to reopen the communications between white and Negro leaders in Birmingham and to be of the maximum assistance to the local citizens in reaching a peaceful solution.

As the Attorney General stated Friday, grievances of Negro residents of Birmingham or any city should be aired and the injustices to them should be removed. Basically, this is the responsibility of local citizens. This can be done only if ^{local} citizens are willing to face the responsibilities and to deal with problems reasonably and with recrimination.

I am, therefore, heartened by Mayor Boutwell's and your own resolve to take action to redress the Negroes' complaints. I remain hopeful that these problems will be resolved through meetings by the white and Negro citizens of Birmingham with whatever assistance the Federal Government can render.

5

1. The Senior Citizens' Committee was formed to deal with the desegregation problems in Birmingham.
2. The present demonstrations are creating an early racial crisis for the city before the committee could work.
3. The focus is on the ^{merchants} ~~merchants~~ It is particularly on lunch counter desegregation. This is the focus because the change in government has not yet occurred, but is still in litigation.
4. The ~~merchants~~ --whether or not accurately--believe it would be economically disastrous for them to take the lead in desegregation in Birmingham, although that is precisely what the Negroes are demanding.
5. Although the focus is on the merchants everyone knows it is really a problem for the entire community.
6. Urge the Committee to quick action which will give the merchants a chance to meet their responsibilities, but to do so in context would have the entire business and industrial structure behind them.
7. Possible alternatives unless this is done now is disaster for the city from which it will not recover.
8. Also disaster for the Nation.

5/7/63

John Murphy left the following message:

Lou Oberdorfer has called him and asked to be kept informed of all developments in Birmingham.

The Bureau has no information as to what is planned down there for today. One disturbing fact is that the Klan plans to hold a rally Saturday evening on Highway 11 between Bessemer and Birmingham. Calvin Craig reportedly has told all those Klansmen having permits to carry guns to bring them with them. There is no definite indication, however, that the rally is directly related to the demonstrations in Birmingham. Announced practice is to evidence support for Governor Wallace and his policies.

Verne

APR 26 1963

Y. 4/26/63

Director
Federal Bureau of Investigation
Burke Marshall
Assistant Attorney General
Civil Rights Division

72-3-New
BN:PAO:ab

Possible Intimidation of Negroes Attempting to Register.
(Birmingham, Alabama)

We have received information from Wyatt T. Walker of the Southern Christian Leadership Conference that on April 17, 1963, sixteen persons were arrested and forty others were turned back as they were walking to the Jefferson County Courthouse to register to vote.

Kindly conduct an investigation to determine the names and race of the persons arrested, the charges lodged against them and the current status of each of these cases.

cc: Records
Chrono
Doar ✓
Putzel
Trial File

322
86

Bham file

4 June 1963

Honorable J. S. Gleason, Jr.
Administrator
Veterans Administration
Washington 25, D. C.

Dear Mr. Gleason:

The Attorney General asked me to reply to your letter of May 20. I regret that the movement of events has slowed up a reply to your most prompt action.

With respect to the assignment of Mr. Billis as Assistant Hospital Director (Trainee), the announcement of the appointment would be most helpful at any time you choose to make it.

I will make inquiries to see if we can find applicants for the position of an Attorney in the Montgomery Regional Office.

It is very pleasing to hear of the action with respect to the possible appointments of Negroes as Assistant Personnel Officer and Radiologist.

The Attorney General has also asked me to express his appreciation at the work of the Veterans Administration in this area throughout its installations. I will keep in mind the suggestion that we might obtain special assistance from Mr. Wallace on particular matters in the future.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Ziringer
file

A. BERKOWITZ
808 BANK FOR SAVINGS BUILDING
BIRMINGHAM, ALABAMA

October 22nd, 1963

Mr. Burke Marshall,
Justice Department,
Civil Rights Division,
Washington, D. C.

Dear Burke:

1. I am wondering whether, with the little file I gave you with respect to the Smithfield District, Civil Defense Reserve Police, (Captain James E. Lay, et al.) you have had the time to think of some way to give these fellows some little pat on the back or other assistance or encouragement. They still patrol the "Dynamite Hill" area after work hours and they are very tired!

2. I await, with anticipation, and for particular but proper purposes, the personally autographed photos of yourself, Mr. Robert Kennedy and our President. I am sure you know that, apart from the honor I attach to their gift, they will adorn the walls of my new private office solely that, in connection with such conversations or conferences into which I get projected, willy-nilly, with members of the Kennedy-baiting group, they will understand quite clearly, by visual inspection, my views and feelings on the subject.

3. It is my opinion that some sort of effort is being made on both sides of the Rev. King-Rev. Shuttlesworth deadline and demand, and the Mayor and Council's intransigent attitude about it, to effect a disengagement so that neither side will be totally committed.

In this, I know that Billy Hamilton is exerting sincere and devoted effort. It is not pessimism, however, but hard reality which compels

October 22nd, 1963,
Page 2.

me to state simply that we are still in bad way when the situation is that, if Billy Hamilton catches cold, the city of Birmingham may have pneumonia! I have the highest regard and respect for Billy but it is an extremely unhealthy position, dangerous to the city and country alike, that those here who have the political power and authority do not exercise it.

4. The ABC television program: "A Presidential Commitment: Crisis in Alabama" appeared on a local station last evening. It pointed up quite well, I thought, as did many others, the whole unnecessary, shabby show required by George Wallace and, as well, the great care taken by the Government to avoid the necessity of physical removal of the governor from the door. Slowly, it is beginning to sink into the minds of the local white populace that every time George Wallace stands up for Alabama, something important for Alabama falls down.

However, it is all too slow and each time he makes a real blunder, as in the dynamite cases, he manages to seize upon some other new headline-catcher which bemuses and distracts our citizenry from the true faults and failures for which Alabama is already paying, and will pay for years in the future, a most heavy penalty.

My kindest personal regards to you and
Louis.

Sincerely yours,



AB/mr
Encl.

Assistant Attorney General

DEPARTMENT OF JUSTICE
Washington

28 October 1963

Honorable George Muddleston, Jr.
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letters of October 18 and 22, concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama. On the 18th of October we issued the following statement. I think that it will completely answer your inquiry. Of course, any effort at all by Sheriff Clark or Governor Wallace to ascertain the true facts would have made these false reports unnecessary in the first place.

The reports that automobiles rented by the Department of Justice were used to furnish transportation for Reverend Martin Luther King in Alabama are either a gross mistake or a deliberate attempt to mislead the people of Alabama.

We are setting forth all the facts so that there can be no misunderstanding although we issued a complete denial on Wednesday.

Attorneys for the Department of Justice on duty in Alabama and elsewhere in the United States frequently rent automobiles. In recent weeks, Department attorneys have rented two automobiles in Alabama -- one a 1963 blue Chevrolet Impala and the other a 1964 white Ford Galaxie.

It has been reported that the 1963 Chevrolet was used to take Reverend King from Birmingham to Selma on October 15. This car had been rented by Kenneth McIntyre, a Department attorney, but was being used by Thelton Henderson, another Justice Department attorney.

At about 5:15 p.m. on October 15, Mr. Henderson went to the Gaston Motel to interview Reverend King at the specific direction of the Department of Justice. At that time Dr. King was at a meeting at the Gaston Motel. When Dr. King came out of the meeting, Mr. Henderson asked to speak to him. Dr. King replied that he was late and had to go immediately to the New Pilgrim Church in Birmingham. Henderson offered to drive him there if he could interview him on the way and Dr. King agreed. Henderson left the Gaston Motel at 5:20 p.m. and let Dr. King

off at the New Pilgrim Church at 5:40 p.m. Henderson then returned to the Gaston Motel. The Chevrolet never left Birmingham that night.

We have learned that Reverend King was driven to Selma in a Chevrolet similar to the one rented by the Department of Justice. However, it was a privately-owned vehicle and was not the one used by Mr. Henderson.

It has been reported that later on October 15, Reverend King was driven from Selma to Montgomery in the 1964 Ford which also was rented by Mr. McIntyre. Mr. McIntyre rented the Ford in Montgomery at 8:41 p.m. on October 15 and drove to Craig Air Force Base near Selma, checking into the Base at 9:35p.m. Thereafter, neither Mr. McIntyre nor the Ford left Craig Air Force Base that night. Mr. McIntyre does not know Reverend King and has never met him. The Ford remained overnight in Selma and the following morning John Doar, First Assistant Attorney General in charge of the Civil Rights Division, drove the Ford to Tuskegee and then back to Montgomery. We have been informed that Reverend King drove from Selma to Montgomery in a privately-owned Cadillac.

It is obvious from these facts that neither the Chevrolet nor the Ford, nor any other car rented by the Department of Justice, was used to transport Reverend King. The reports to the contrary are false. Any efforts to ascertain the truth would have revealed these facts.

Very truly yours,

Signed

Burke Marshall
Assistant Attorney General
Civil Rights Division

144-3-0
BM:ls

file

13 November 1963

Mr. James M. Goodson, Jr.
1609 Belvedere Drive
Birmingham 26, Alabama

Dear Mr. Goodson:

This will acknowledge your letter concerning use by Dr. Martin Luther King, Jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department officially denied the charges in good faith.

Records
Chrono
Marshall
Doar
Trial file

On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

Aside from this occasion, for which the Department is being reimbursed the total cost of approximately \$18.00, I know of no occasion on which any agent of the Department of Justice, through the use or loan of a vehicle or otherwise, went beyond his official duties in enforcing laws which the Congress has given the Department of Justice responsibility to enforce.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division